

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 297-B

Z.C. Case No. 92-15M/78-21

(PUD Modification @ 1300 Connecticut Avenue, N.W.)

May 10, 1993

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on February 11, 1993. At that hearing, the Zoning Commission considered the application of 1300 Connecticut Avenue Joint Venture. The application requested modification to a previously approved planned unit development (PUD) pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

### FINDINGS OF FACT

1. The application, which was filed on September 21, 1992, requested modification to Zoning Commission Order Nos. 297 and 335, (Z.C. Case No. 78-21), a previously approved planned unit development (PUD) located on the west side of Connecticut Avenue between N Street and Dupont Circle (Square 138, Lots 803 and 804).
2. By Z.C. Order Nos. 297 and 335, dated October 21, 1979, and March 12, 1981, respectively, the Zoning Commission granted a PUD involving both the subject building and 1330 Connecticut Avenue, N.W. That Order was modified by Order No. 297-A of May 11, 1992.
3. The building which is the subject of this modification is the original International Association of Machinists (IAM) building, which was built as a matter of right in approximately 1956. The building, located on Lot 804 was joined with new construction on Lot 803, under a ground lease, to form one building for zoning purposes. 1300 Connecticut Avenue Joint Venture, successor to the IAM, continues to own both Lots 803 and 804. The original PUD approvals permitted no alterations to the existing IAM building except doorways between the existing building and the new construction.
4. Z.C. Order No. 297-A permitted the applicant to renovate the building at 1300 Connecticut Avenue, including improvements to the lobby entrance and ground floor retail areas, make minor design changes to create a new cornice, add two flags and include windows on the blank western wall.

5. This application requests modification of the loading berth at 1300 Connecticut Avenue by changing the slope from a 12 percent grade to a 3.5 percent grade, inserting a loading platform and eliminating the six parking spaces in the garage.
6. The subject square is located in the northern portion of the Central Employment Area. Land uses in the area are predominantly commercial (office/retail). The site is also within the boundaries of the Dupont Circle Historic District.
7. The owner of 1330 Connecticut Avenue filed a motion to dismiss dated November 12, 1992 and a supplemental motion to dismiss dated March 22, 1993 contending that the case is not properly before the Commission since the owner of 1330, a building which is within the original PUD, did not sign the application form as an owner. In the alternative, the owners contend that the Zoning Commission lacks jurisdiction to consider the matter unless all owners or ground lessees approve the filing of the application.
8. The owners of 1330 Connecticut Avenue further contend that the change in grade in the loading berth will have a negative impact on the operation of the building.
9. On November 16, 1992 at its regular monthly meeting, the Zoning Commission authorized a public hearing for Case No. 92-15M/78-21. The Commission determined that the proposed modification is generally consistent with the original and modified approvals of the PUD and has sufficient merit to be considered in a public hearing.
10. The applicant, through testimony presented at the public hearing indicated that all of the work necessary for the proposed modification would be done at 1300 Connecticut Avenue. He stated that the work consists of changing the grade or slope of the existing loading berths in 1300 Connecticut Avenue from 12 percent to 3.5 percent. This change will inevitably require changing the use of the space at the end of the ramp from parking to storage or other use.
11. The District of Columbia Office of Planning (OP), by memorandum dated February 1, 1993 and by testimony presented at the public hearing, recommended that the application be approved. OP indicated the following:

"The proposed modification in this case would resolve a conflict between an existing loading berth and access to six parking spaces, creating a more functional loading area. The proposed modifications are consistent with original and

modified approvals of the PUD. Although the total number of parking spaces would be reduced by six, the applicant still meets the minimum of 220 parking spaces that the Zoning Commission previously determined was required to properly serve this PUD.

12. There were no other agency or Advisory Neighborhood Commission (ANC) 2B reports.
13. Testimony in opposition to the application was presented by representative of JMB Properties, and Gorove/Slade Associates. Their testimony included the following points:
  - a. JMB objects to the conversion of 1300 Connecticut Avenue from a single-tenant to a multi-tenant building and to the modifications of the loading dock that will accommodate large trucks;
  - b. JMB has an 85-year ground lease with the option to purchase the land under 1330 at the end of the ground leasing;
  - c. While 1330 Connecticut Avenue has three sizable loading docks accessed via N Street, the request of 1300 Connecticut Avenue to have its single loading dock made fully operational poses significant traffic risks requiring a carefully coordinated traffic management plan jointly agreed upon by 1300 and the other buildings facing N Street;
  - d. A wider curb cut is needed on N Street to allow trucks to pull in front-end first, rather than back-up on N Street; and
  - e. Curbside parking spaces on the north side of N Street should be eliminated to provide turning and loading spaces for 1300 Connecticut Avenue.
14. By letter dated March 29, 1993, the applicant filed a post hearing submission indicating that although there had been an exchange of correspondence between the applicant and the opposition, they have not been successful in resolving their differences.
15. The Commission concurs with the recommendations and positions of the applicant and the Office of Planning and finds that the modification application meets the standards for approval.

16. The Commission believes that the approval of this modification to the PUD is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.
17. The proposed action of the Zoning Commission to grant approval for this modification was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated April 21, 1993, indicated that the proposed modifications are not inconsistent with the Comprehensive Plan for the National Capital and would not adversely affect the Federal Establishment or other Federal interests in the National Capital.
18. The Commission finds that the applicant has satisfied the intent and purpose of Chapter 24 of DCMR, Title II, Zoning.

#### CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The modification of this PUD carries out the purpose of Chapter 24 of the Zoning Regulations, which is to encourage the development of well-planned residential, institutional and mixed-use development which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right development.
3. The modification of this PUD is compatible with the city-wide goals, plans and programs and will not change the overall nature or character of the original PUD.
4. Approval of this PUD modification is not inconsistent with the Comprehensive Plan for the National Capital, as amended.
5. Approval of this PUD modification is consistent with the purposes of the Zoning Act.
6. The PUD modification can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. Approval of this PUD modification will promote development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Zoning Commission could not give "great weight" consideration to the ANC-2B because the ANC did not participate in the case.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

#### DECISION

In consideration of the motion to dismiss, the Zoning Commission for the District of Columbia hereby orders **DENIAL** of the motion for the following reasons:

1. The previously approved modifications are not a part of this application and are not before the Zoning Commission for action;
2. The Zoning Commission may hear an application involving one building in a PUD without seeking permission of the owner of another building in the same PUD; and
3. 1300 Connecticut Avenue Joint Venture and 1330 Connecticut Avenue Inc. are not co-tenants.

Vote of the Zoning Commission taken at its regular monthly meeting on April 12, 1993: 3-0 (Tersh Boasberg, John G. Parsons and Maybelle Taylor Bennett, to deny the motion to dismiss - William L. Ensign, not voting, not having participated in the hearing and Lloyd D. Smith, not voting, not present, not voting).

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of this modification to the previously approved PUD at 1300 Connecticut Avenue, N.W., in Square 138, Lots 803 and 804. This PUD approval is subject to the following guidelines, conditions and standards:

1. The modification to the PUD shall be developed in accordance with the architectural drawings prepared by Anderson O'Brien Architects, P.C. and marked as Exhibit Nos. 7 and 21C as modified by the guidelines, conditions and standards of this order.

2. Applicant is permitted, at its option, to align the grade of the loading berth with the adjacent loading berth and to remove the retaining wall currently separating them.
3. Six parking spaces may be eliminated from the basement/parking garage of 1300 Connecticut Avenue and the space may be converted to any other permitted use.
4. The applicant will adopt and observe a management plan for the operation of the loading berth as follows:
  - (a) During redevelopment construction, Savage/Fogarty Real Estate (SFRE) and 1300 Connecticut will, to the extent possible, schedule deliveries to minimize disruption to existing N Street traffic.
  - (b) During redevelopment, tenant construction, and for all subsequent normal building operational activity, including tenant move-ins and move-outs, SFRE and 1300 Connecticut will, to the extent possible, direct all loading and delivery activity to the "N" Street loading dock of 1300 Connecticut Avenue and will adopt and enforce a policy to that effect.
  - (c) SFRE and 1300 Connecticut will, to the extent possible, schedule and allow tenant move-ins and move-outs for evenings and weekends only and will adopt and enforce a policy to that effect.
  - (d) SFRE and 1300 Connecticut will provide on-site guard service located in the main building lobby of 1300 Connecticut Avenue for the purpose of monitoring deliveries at the loading dock during the hours of 8:00 a.m. through 1:00 p.m., Saturday. In order to effectuate communications between the loading dock and the guard desk, an intercom or alternative communication device will be installed and utilized between the loading dock and the guard desk. Additionally, closed circuit security cameras will be installed to provide surveillance of the loading dock area, the service corridor within 1300 directly adjacent to the loading dock, the main lobby corridor and the entry vestibule to 1300 directly adjacent to the loading dock. The guard desk will be equipped with monitors of the above remote camera locations which will be monitored during the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday and 9:00 a.m. through 1:00 p.m. Saturday. All cameras will be equipped to record via a VCR with daily erase capability. Restrictive signage will be provided by SFRE as a deterrent to unwanted parking within this area.

CORRECTED JUNE 4, 1993

5. No building permit shall be issued for the PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 297-A with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order No. 297-B that the Director of the Office of Zoning has so certified.
6. After recordation of said Notice of Modification, the applicant shall immediately file a certified copy of the Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
7. The Office of Zoning shall not release the record of this case to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicant has satisfied Condition Nos. 5 and 6 of this order.
8. The PUD Modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit as specified in Subsection 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order.
9. Pursuant to D.C. Code Sec. 1-2531 (1987 Repl. Vol.), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987 Repl. Vol.), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at its regular monthly meeting on April 12, 1993: 3-0 (Tersh Boasberg, John G. Parsons and Maybelle Taylor Bennett to approve with conditions, William L. Ensign, not voting, not having participated in the hearing; Lloyd D. Smith, not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on May 10, 1993 by a vote of 3-0 (Tersh Boasberg, John G. Parsons and Maybelle Taylor Bennett to adopt - William L. Ensign, not voting, not having participated in the hearing and Lloyd D. Smith, not present, not voting).

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9. Pursuant to D.C. Code Sec. 1-2531 (1987 Repl. Vol.), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987 Repl. Vol.), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

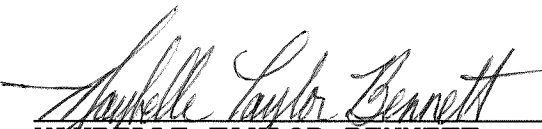
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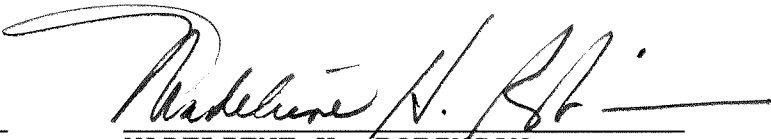
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In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is, on MAY 28 1993.

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Director  
Office of Zoning

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